

JULY 28, 2005

City Council Minutes

The Round Rock City Council met in Regular Session on Thursday, July 28, 2005, in the City Council Chamber, 221 E. Main Street.

CALL REGULAR SESSION TO ORDER – 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Maxwell led the Pledge of Allegiance.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Rufus Honeycutt, Councilmember Joe Clifford, Councilmember Carlos T. Salinas, and Councilmember Scott Rhode. Also present were City Manager Jim Nuse and City Attorney Steve Sheets.

CITIZENS COMMUNICATIONS:

Darin Bayles, 402-A W. Palm Valley, Police Officers Association complimented staff on the proposed budget and market study. He added that Austin is the market they look at for police pay to stay competitive and draw from a good applicant pool. In addition, the budget has drawn concerns but they are willing to wait for options regarding police salaries.

Albert Uhrig, 3407 Sandy Koufax, spoke in favor of a pay increase for police officers.

PROCLAMATIONS:

5.A. Consider a proclamation proclaiming August 2005 as Breastfeeding Month.

Mayor Maxwell read the following proclamation and presented it to representatives of the Williamson County and Cities Health District.

WHEREAS, the health of all the people in Williamson County is linked to the health of people throughout the world; and

WHEREAS, the Williamson County & Cities Health District's Women, Infants and Children (WIC) program takes this occasion to educate and inform, to encourage breastfeeding and regular health care for mothers and babies; and

WHEREAS, the Williamson County & Cities Health District's WIC mission is focused on improving the nutritional status of low and moderate income women, infants, and children by providing foods and nutrition and breast feeding education; and

WHEREAS, the WIC staff of the Williamson County & Cities Health District demonstrates the highest quality of public service in serving over 70,000 families in Williamson County,

NOW THEREFORE, I, Nyle Maxwell, Mayor of the City of Round Rock, Texas, do hereby proclaim the month of August, 2005 as

"BREAST FEEDING MONTH"

in the City of Round Rock, Texas and urge all citizens to take part in recognizing the successes of healthy mothers and healthy children and to support breast-feeding mothers.

PROCLAIMED this 28th day of July 2005.

PRESENTATIONS:

6.A.1. Consider a presentation regarding an update on the market-based compensation study. Teresa Bledsoe, Human Resources Director made the staff presentation. Historically, the City has entered into an agreement with the firm of Watson Wyatt Worldwide to conduct the market-based study. This year a committee made up of Human Resources staff and a group of employee representing other city departments/divisions conducted a more in depth comprehensive study. WatsonWyatt was used as the data match and compilation source. This approach gave staff up-to-date positions

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information as well as saved the City thousands of dollars. This is the fourth biennial complete market study of all of the City's job classifications since 1997.

David Kautz, Assistant City Manager gave an overview of the cost associated with the market-based compensation study and how the budget will be affected.

Ms. Bledsoe concluded that the City continues to be committed to maintaining a Pay and Classification Plan that is internally equitable and externally competitive with business in our community, cities, and other competing markets. This allows the City to recruit and retain a qualified diverse workforce.

6.A.2. Consider a presentation regarding the City's Health Insurance Plan. Teresa Bledsoe, Human Resources Director made the staff presentation. She gave an update Plan Performance quarter by quarter for plan year 2005. She also outlined the Medical Plan Utilization Statistic Summary and the following.

Moving Forward 2005

- Benefit Consultant Selection
- Co-op Purchasing Project
- Plan Analysis
- Fully insured vs. Self Insured
- Plan design options review
- Contribution Strategies
- Stand-alone prescription program
- On-Site Clinic
- Employee Wellness Program

PUBLIC HEARINGS:

7.A.1. Consider a public hearing regarding amending Chapter 10, Section 10.800 of the Code of Ordinances (1995 Edition) regarding drought contingency and peak day water use. Tom Clark, Water and Wastewater Utilities Director made the staff presentation. Recent changes in state law and provisions in the Raw Water Contracts with the Brazos River Authority are requiring changes in the Drought Contingency and Peak Day Use Ordinance. The recommended changes add target goal reductions of water use during Stage II and III drought periods, written notice to wholesale customers and county officials and local School officials, penalties for violations constitute class 'C' misdemeanor with a \$2,000 fine. The amendments will update current sections of Chapter 10 - Drought Contingency and Peak Day Water Use to comply with recent changes to State Law and contractual requirements with the Brazos River Authority. Mr. Clark outlined the following.

Drought Contingency and Peak Day Water Use

- Current Plan establishes three stages
 - Stage I – May 1 to September 30 - Public notice voluntary restriction
 - Stage II – groundwater table drops to 40 Ft. MSL and Lake Georgetown below 770 Ft. MSL for 3-consecutive days – mandatory restrictions (hand watering and car washing, automatic sprinklers restricted to 12-midnight to 10AM and 7PM to midnight, no filling pools)
 - Stage III – Stage II conditions plus treatment capacity above 90% for 3-consecutive days mandatory restrictions (hand watering only 6AM to 10AM and 7PM to 10PM only, no automatic sprinklers or automobile washing)
 - Any other reason determined by the Director
- Updates to comply with current state requirements and contractual agreements

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- City will comply with water providers drought contingency contractual requirements
- Encourage public not to install new landscape during Stage II and no installation during stage III
- Establishes target goal reduction of 3% during stage II
- Establishes target goal reduction of 7% during stage III
- Written notice to wholesale customers 72 hours prior to implementing or terminating water restrictions
- Stage III notification to County EMC, Judge and Commissioners, RRISD and large in-city users
- 24 hour written notice of violations to customers
- Three convictions by customer may result in 7-day discontinuance of service
- Variance can be granted upon request to prevent adverse health or safety conditions or for alternate methods to achieve reductions
- Violations are Class C misdemeanor with \$2,000 fine

In response to Councilmember Honeycutt's question, Mr. Clark said that in the last 10 years the City has not reached stages 2 or 3.

Mayor Maxwell opened the public hearing. There being no testimony the public hearing was closed.

7.A.2. Consider a public hearing regarding amending Chapter 10, Section 10.701 of the Code of Ordinances (1995 Edition) regarding cross connection control and prevention.

Tom Clark, Water and Wastewater Utilities Director made the staff presentation. This ordinance protects the City's water supply by regulating backflow prevention devices that prevent water from being siphoned into the city water supply during a loss of pressure. The updates reflect the current city organization and eases the testing of non-hazardous applications of Backflow prevention devices from 3-years to 10-years or as required by state law. Current state law does not requiring testing on non-hazardous sprinkler applications. The existing ordinance was implemented in March 1998 and historical data has proven the backflow preventers to be very reliable with little failure. The proposed 10-year testing requirement will benefit homeowners and not comprise safety of the city water system. The following amendments will update current sections of Chapter 10 – Cross Connection Control and Prevention Code of Ordinances to reflect the current City organization and ease requirements for backflow testing. Mr. Clark outlined the following:

Cross Connection Control and Prevention

- Ordinance protects City' water supply from water siphoning into water system during loss of pressure.
- Reflects language changes per state law
- Changes reflect recent changes to Round Rock Staff
- Director of Public Works
- Director of Utilities
- Testing for Non-hazardous applications from 3 to 10 years or as required by state law.

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Mayor Maxwell opened the public hearing. There being no testimony the public hearing was closed.

CONSENT AGENDA:

The following items were considered routine by the City Council and were enacted by one motion. There was no separate discussion on any of these items and no items were removed from the consent agenda.

*9.A. Consider approval of the City Council minutes for July 14, 2005.

*10.D.1. Consider an ordinance authorizing the placement of stop signs at the intersection of Dell Way and the Dell Computer Parking Lot Entrance. (Second Reading)

*10.D.2. Consider an ordinance amending Chapter 9, Section 9.502 of the Code of Ordinances (1995 Edition) establishing a 35-mph speed zone on Dell Way from South Mays to a point 0.366 miles west of Greenlawn Boulevard. (Second Reading)

*11.C.1. Consider a resolution approving a reimbursement to Forest Creek Condominiums, Ltd. for the cost of oversizing water mains associated with the Forest Creek Townhomes development.

*11.D.2. Consider a resolution authorizing the Mayor to execute an Agreement with Todd Publications, Inc., dba Round Rock Leader for publication of official city notices.

MOTION: Councilmember Rhode moved to approve all the items on the consent agenda. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

APPROVAL OF MINUTES:

*9.A. Consider approval of the City Council minutes for July 14, 2005. This item was approved under the consent agenda.

ORDINANCES:

10.A.1. Consider an ordinance amending the 2004-2005 Operating Budget. (First Reading) Cindy Demers, Finance Director made the staff presentation. From time-to-time and as financially appropriate, the operating budget is adjusted as new operational issues and funding opportunities are identified. This is the first of two expected budget revisions for Fiscal Year 2004-2005. This amendment revises the FY 2004-2005 operating budget to reflect strategic operating adjustments for the current fiscal year. Highlights of the amendment include implementation of personnel salary changes resulting from the City's bi-annual market survey, staffing and equipment for the Fire Department rescue vehicle program, the addition of departmental support staff and expenditures associated with grant receipts. Also included is an adjustment to the Dell Program payment reflecting additional

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sales tax revenue generated through Dell. The adjustments for the General Fund are funded through additional sales tax revenues and grant receipts.

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR AMENDMENT NO. 1 TO THE OPERATING BUDGET OF THE CITY OF ROUND ROCK, TEXAS FOR FISCAL YEAR 2004-2005.

MOTION: Councilmember Rhode moved to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

10.B.1. Consider an ordinance amending Chapter 1, Section 1.1002.1 of the Code of Ordinances (1995 Edition) regarding firefighter civil service classifications and number of positions. (First Reading) Teresa Bledsoe, Director of Human Resources made the staff presentation. Chapter 143. Municipal Civil Service, Texas Local Government Code, Subchapter B. Classification and Appointment, §143.021. Classification; Examination Requirement requires in part that “The governing body by ordinance shall prescribe the number of positions in each classification.” This ordinance reclassifies some position changes and the number of authorized sworn positions in the Round Rock Fire Department to include personnel to staff Rescue 4.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, CHAPTER 1, BY AMENDING SECTION 1.1002.1(3) DEALING WITH FIREFIGHTER CIVIL SERVICE CLASSIFICATIONS AND NUMBER OF POSITIONS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

MOTION: Councilmember Clifford moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

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ACTION: The motion carried unanimously.

10.C.1. Consider an ordinance amending Chapter 10, Section 10.800 of the Code of Ordinances (1995 Edition) regarding drought contingency and peak day water use. (First Reading) Tom Clark, Water and Wastewater Utilities Director made the staff presentation for this item during the public hearing held earlier in the meeting.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROUND ROCK, TEXAS, AMENDING SECTION 10.800 PERTAINING TO THE DROUGHT CONTINGENCY AND PEAK DAY WATER USE MANAGEMENT PLAN; PROVIDING FOR THE REPEALING OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

10.C.2. Consider an ordinance amending Chapter 10, Section 10.701 of the Code of Ordinances (1995 Edition) regarding cross connection control and prevention. (First Reading) Tom Clark, Water and Wastewater Utilities Director made the staff presentation for this item during the public hearing held earlier in the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10 SECTION 10.700, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS RELATING TO PROTECTION OF THE WATER SUPPLY OF THE CITY OF ROUND ROCK FROM CONTAMINATION OR POLLUTION DUE TO ANY EXISTING OR POTENTIAL CROSS-CONNECTIONS; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

*10.D.1. Consider an ordinance authorizing the placement of stop signs at the intersection of Dell Way and the Dell Computer Parking Lot Entrance. (Second Reading)

This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TRAFFIC CODE BY DESIGNATING THE INTERSECTION OF DELL WAY AND A DELL COMPUTER PARKING LOT ENTRANCE AS AN ALL-WAY STOP INTERSECTION; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

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*10.D.2. Consider an ordinance amending Chapter 9, Section 9.502 of the Code of Ordinances (1995 Edition) establishing a 35-mph speed zone on Dell Way from South Mays to a point 0.366 miles west of Greenlawn Boulevard. (Second Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.502, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS CHANGING THE SPEED ZONE ON A PORTION OF DELL WAY; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

RESOLUTIONS:

11.A.1. Consider a resolution authorizing the City Manager to issue a purchase order for the purchase of Rescue Apparatus #7 through the Texas Government Statewide Purchasing Cooperative. Larry Hodge, Fire Chief made the staff presentation. The Fire Department responded to 3,885 emergency and 1,343 non-emergency calls last year of which 70% plus were medical calls. Station No. 1 is the closest station to the northwest/northeast side and ran 1,886 calls last year. Placing a Rescue Apparatus in the Chandler Road area would significantly reduce the response time for medical calls this area especially if the area grows as projected. The cost of the Rescue Apparatus is \$135,000.00.

RESOLUTION NO.

WHEREAS, the City of Round Rock ("City") desires to purchase Rescue Apparatus #7 for the Fire Department, and

WHEREAS, the City is a member of the Texas Government Statewide Purchasing Cooperative ("Buy Board"), and

WHEREAS, Siddons Fire Apparatus, Inc. is an approved vendor of the Buy Board, and
WHEREAS, the City wishes to issue a purchase order to Siddons Fire Apparatus, Inc.,

Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City Manager is hereby authorized and directed to issue a purchase order to Siddons Fire Apparatus, Inc. for the purchase of Rescue Apparatus #7 for the Fire Department.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of July, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

11.B.1. Consider a resolution authorizing the Mayor to execute an Interlocal Agreement with Williamson County regarding the McNeil Road Project. Steve Sheets, City Attorney made the staff presentation. A portion of Williamson County's McNeil Road project

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is being constructed within the area where Round Rock is constructing a barrier wall. In order to coordinate construction activities, Williamson County has asked that Round Rock construct a portion of the sidewalk for the McNeil project in this area, the cost will be fully funded by Williamson County. This agreement is for the design, engineering, construction and maintenance of a portion of the McNeil Road Project.

RESOLUTION NO. _____

WHEREAS, Chapter 791 of the Texas Government Code, V.T.C.A., authorizes local governments and agencies of the state to enter into agreements with one another to perform governmental functions and services, and

WHEREAS, the City of Round Rock wishes to enter into an Interlocal Agreement with Williamson County for purposes of designing, engineering, constructing and maintaining a portion of the McNeil Road project, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Interlocal Agreement with Williamson County, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of July, 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution.

Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

*11.C.1. Consider a resolution approving a reimbursement to Forest Creek

Condominiums, Ltd. for the cost of oversizing water mains associated with the Forest Creek

Townhomes development. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, §8.503 Code of Ordinances (1995 Edition) provides for the reimbursement for the oversizing of water mains, and

WHEREAS, Forest Creek Condominiums, Ltd. has submitted a reimbursement request for the oversizing of water mains associated with the Forest Creek Townhomes development, and

WHEREAS, the City Council wishes to approve said reimbursement, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City Council hereby authorizes the reimbursement to Forest Creek Condominiums, Ltd. of \$4,680.00, which is the cost of oversizing water mains associated with the Forest Creek Townhomes development.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this the 28th day of July, 2005.

11.D.1. Consider a resolution authorizing the Mayor to execute a Letter Agreement

with TXU Electric Delivery whereby the City agrees to not intervene in any Show Cause

Action concerning TXU Electric Delivery rates prior to July 1, 2006. David Kautz, Assistant

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City Manager made the staff presentation. TXU Electric Delivery and a number of cities in their north Texas service area have reached a settlement agreement to resolve issues arising from “show cause” resolutions passed by the cities. The resolutions would have required the company to file information with those cities to show why the company’s transmission and distribution rates should not be reduced. The settlement requires the company to agree to a rate case filing in June 2006 that proposes and supports reduced municipal rates for street lighting and municipal pumping. Additionally, the company will provide monetary consideration and improved street lighting data records for the cities. The company is extending the settlement offer to all cities in its service area. Upon approval of the agreement, the company will make a cash payment of \$132,811.99 immediately to Round Rock. Starting March 31, 2006 and each March 31 thereafter, the company will also make an annual cash payment of \$126,487.81 to Round Rock. The company will cease the payments when new tariffs approved in the system-wide rate case become effective.

RESOLUTION NO. _____

WHEREAS, TXU Electric Delivery (“TXU”) and a number of cities in its north Texas service area have reached a settlement agreement to resolve issues arising from Show Cause resolutions passed by the cities regarding TXU’s transmission and distribution rates, and

WHEREAS, the settlement includes TXU’s agreement to file a rate case by July 1, 2006 with the Public Utility Commission that proposes and supports reduced municipal rates for street lighting and municipal pumping, and

WHEREAS, TXU is extending the settlement offer to all cities in its service area in exchange for their agreement not to initiate Show Cause Actions concerning TXU’s rates prior to July 1, 2006, and

WHEREAS, the City desires to enter into a Letter Agreement with TXU regarding the settlement, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Letter Agreement with TXU Electric Delivery, a copy of same being attached hereto as Exhibit “A” and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of July, 2005.

MOTION: Mayor Pro-tem McGraw moved to approve the resolution. Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

*11.D.2. Consider a resolution authorizing the Mayor to execute an Agreement with Todd Publications, Inc., dba Round Rock Leader for publication of official city notices. This item was approved under the consent agenda.

RESOLUTION NO. _____

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WHEREAS, Section 13.02 of the Home Rule Charter for the City of Round Rock, Texas, provides that the Council shall designate a public newspaper of general circulation in the City as official publication for legal notices, and

WHEREAS, the *Round Rock Leader* is a public newspaper of general circulation in the City, and

WHEREAS, the Council is desirous of designating the *Round Rock Leader* as the official publication of the City, Now Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the *Round Rock Leader* is designated as the official publication of the City and all ordinances, notices and any other matter required to be published shall be published therein, and

BE IT FURTHER RESOLVED that the Council hereby authorizes the Mayor to execute a one year agreement with Todd Publications, Inc. dba *Round Rock Leader* to provide the required services at its normal and usual rates, a copy of said agreement being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of July, 2005.

11.D.3. Consider a resolution authorizing the Mayor to execute a First Amendment to the Economic Development Agreement with the Round Rock Transportation System Development Corporation, SPG Round Rock NS, L.P. and CPG Round Rock, L.P. Jim

Stendebach, Planning and Community Development Director made the staff presentation.

The City entered into an Economic Development Agreement with the Round Rock Transportation System Development Corporation, Simon Property Group LP and CPG Round Rock, L.P. on May 26, 2005 to facilitate development of the Simon / Chelsea Premium Outlet Mall on a tract of land east of IH 35 and north of Chandler Road. The agreement detailed the responsibilities of the parties and the funding of the internal roads. This amendment to the Economic Development Agreement will waive the parkland fees in consideration of the superior development and value of the park and recreational amenities on the 90.492-acre Round Rock Premium Outlets tract. The fees that will be waived are the \$800.00 per acre non-residential parkland fee. This waiver totals \$72,393.60. Chelsea will be constructing \$1,635,698.00 worth of special semi-public improvements that will include a permanent pond with waterfalls and a landscaped trail around the pond. This is part of the economic incentive package for the destination retail to be located on this tract. It does not apply to the remainder of the Simon property, which is not slated for destination retail.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into an Economic Development Agreement ("Agreement") with the Round Rock Transportation System Development Corporation, SPG Round Rock NS, L.P., and CPG Round Rock, L.P. regarding Simon's development of a retail outlet mall in the City of Round Rock, and

WHEREAS, the City Council now wishes to enter into a First Amendment to the Agreement, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City, a First Amendment to Economic Development Agreement with the Round Rock Transportation System Development Corporation, SPG Round Rock NS, L.P., and CPG Round Rock, L.P., a copy being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that

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such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of July 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Mayor Pro-tem

McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

11.E.1. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 1 to the Standard Form of Agreement Between Owner and Architect with Kimley-Horn & Associates, Inc. for the Old Settlers Park at Palm Valley Family Aquatic Center Project. Rick Atkins, Parks and Recreation Director made the staff presentation. The Old Settlers Park at Palm Valley Family Aquatic Center project involves the creation of an outdoor aquatic facility consisting of pool elements, as well as spray features and a water slide. This project was part of the 2001 GO Bond package. The agreement is for engineering services, at a cost of \$ 225,000.00, for the design and creation of construction plans necessary to construct the Family Aquatic Center. Also included in the contract will be construction observation duties.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into a Standard Form of Agreement Between Owner and Architect/Consultant ("Agreement") with Kimley-Horn and Associates, Inc. for the Old Settlers Park at Palm Valley Family Aquatic Center Project, and

WHEREAS, Kimley-Horn and Associates, Inc. has submitted Supplemental Agreement No. 1 to the Agreement for a change in the scope of services, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 1 with Kimley-Horn and Associates, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 1 with Kimley-Horn and Associates, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of July, 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution.

Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

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11.E.2. Consider a resolution authorizing the Mayor to execute a Contract for Engineering Services with Baker-Aicklen & Associates, Inc. for the Brushy Creek East Trail Project. Rick Atkins, Parks and Recreation Director made the staff presentation. The Brushy Creek East Trail Project includes approximately 2 ¼ miles of hike and bike trail with associated amenities, including several bridges, a pavilion, a playground, and various site amenities. The trail will run from East to West along the South bank of Brushy Creek from Red Bud Lane to the Sonoma Subdivision. This agreement is for engineering services necessary to complete the Brushy Creek East Trail Project. The original agreement for this project has expired, so a new agreement is necessary. The cost is \$62,108.43.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain engineering services for the Brushy Creek Trail East Project, and

WHEREAS, Baker-Aicklen & Associates, Inc. has submitted a Contract for Engineering Services to provide said services, and

WHEREAS, the City Council desires to enter into said contract with Baker-Aicklen & Associates, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Contract for Engineering Services with Baker-Aicklen & Associates, Inc. for the Brushy Creek Trail East Project, a copy of said contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of July, 2005.

MOTION: Councilmember Salinas moved to approve the resolution. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

11.E.3. Consider a resolution authorizing the Mayor to execute an Agreement for Consulting Services with Hall/Bargainer, Inc. for the Brushy Creek East Trail Project. Rick Atkins, Parks and Recreation Director made the staff presentation. The Brushy Creek East Trail Project includes approximately 2 ¼ miles of hike and bike trail with associated amenities, including several bridges, a pavilion, a playground, and various site amenities. The trail will run from East to West along the South bank of Brushy Creek from Red Bud Lane to the Sonoma Subdivision. This agreement is for consulting services necessary to complete the Brushy Creek East Trail Project. The original agreement for this project has expired, so a new agreement is necessary. The cost is \$14,000.00.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain construction consulting services in connection with the Brushy Creek Trail East Project, and

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WHEREAS, Hall/Bargainer, Inc. has submitted an Agreement for Consulting Services to provide said services, and

WHEREAS, the City Council desires to enter into said Agreement with Hall/Bargainer, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Agreement for Consulting Services with Hall/Bargainer, Inc., for construction consulting services in connection with the Brushy Creek Trail East Project, a copy of said agreement being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended

RESOLVED this 28th day of July, 2005.

MOTION: Councilmember Salinas moved to approve the resolution. Mayor Pro-tem McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
	Nays:	None

ACTION: The motion carried unanimously.

11.F.1. Consider a resolution authorizing the Mayor to execute Change Order No. 1 with RGM Constructors, L.P. for the construction of Forest Creek Drive and Double Creek Drive, Phase 2. Tom Martin, Director of Transportation Services made the staff presentation. Forest Creek Drive is a major arterial shown in the City's Transportation Master Plan. The City currently has a project to construct the remaining portions of this facility between Rusk Road and the Lake Forest Subdivision. This project is being funded using 4B Corporation Funds and developer contributions made through Cost Sharing/Development Agreements. However, the portion of this project through Round Rock Ranch is to be paid by means of a Public Improvement District. The contract for this construction was awarded at the August 26, 2004 Council meeting. This Change Order No. 1 with RGM Constructors, L.P., reflects costs and increased scope of work associated with the addition of 2 waterline crossings in Double Creek Drive including material, labor and equipment. In addition, the change order will cover addition of one water line crossing Forest Creek Drive at Rusk West, construction of 5 additional driveways, addition of one turn lane and two intersections along Forest Creek Drive and the delivery of one additional light pole with fixture. The contract time will also be extended 98 calendar days to complete the associated construction. The amount of the change order \$165, 272.30.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into a contract ("Contract") with RGM Constructors, L.P. for the Forest Creek and Double Creek Drive, Phase 2 Project, and

WHEREAS, the Council has determined that it is necessary to make changes to the quantity of work to be performed or materials, equipment, or supplies to be provided, and

WHEREAS, it has been determined that it is necessary to change said Contract in accordance with the attached Contract Change Order No. 1, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

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That the Mayor is hereby authorized and directed to execute on behalf of the City Contract Change Order No. 1 to the Contract with RGM Constructors, L.P., a copy of said change order being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of July, 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

11.F.2. Consider a resolution authorizing the Mayor to execute Supplemental Contract No. 2 to the Contract for Engineering Services with HDR Engineering, Inc. for IH-35 modifications from Chandler Road to Westinghouse Road. Tom Martin, Director of Transportation Services made the staff presentation. TxDOT requested a scope change in the proposed roadway improvements to better allow for increased traffic volumes anticipated due to the proposed Simon/Chelsea Development in the area of Chandler Road/RM 1431, IH-35, and Westinghouse Road. This increase in scope will allow for the revision of the traffic control plan to provide for the operation of two westbound traffic lanes on Chandler Road bridge over I-35 at all times during construction and a minimum of one lane open at all times eastbound; revise storm sewer plans to provide for the capacity of ten year design storm; revise design of the Chandler Road bridge to include the removal and replacement of two outside concrete box beams on both sides of the bridge; collection of background data on existing and proposed construction of Westinghouse Road in order to facilitate the future widening of the existing Westinghouse Road Bridge; utility relocation services. The amount of the supplemental agreement is \$158,520.00.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into an Agreement for Engineering Services ("Agreement") with HDR Engineering, Inc. for IH-35 modifications from Chandler Road to Westinghouse Road, and

WHEREAS, HDR Engineering, Inc. has submitted Supplemental Agreement No. 2 to the Agreement to modify the provisions for the scope of services, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 2 with HDR Engineering, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 2 to the Agreement with HDR Engineering, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

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MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

11.F.3. Consider a resolution authorizing the Mayor to execute a contract with Austin Traffic Signal for the installation of a traffic signal at RM 620 at the Round Rock Medical Center driveway. Tom Martin, Director of Transportation Services made the staff presentation. After warrant studies were completed, reviewed and approved by the Texas Department of Transportation, the signal at the Hospital Entrance and RM 620 was put out for bid on July 5, 2005. One bid was received and opened on July 5, 2005 in the City Council Chambers. Based on review of the bid by staff, it was recommended that the bid be awarded to Austin Traffic Signal in the amount of \$134, 980.20. The proposed schedule for this project is 45-60 days for the construction. The project is proposed to be completed in four months.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the installation of a traffic signal at the intersection of RM 620 and the Round Rock Medical Center driveway, and

WHEREAS, while only one bid was received from Austin Traffic Signal Construction Company, LP, the City Council has determined that the bid is acceptable, and

WHEREAS, the City Council wishes to accept the bid of Austin Traffic Signal Construction Company, LP, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with Austin Traffic Signal Construction Company, LP for the installation of a traffic signal at the intersection of RM 620 and the Round Rock Medical Center driveway.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 28th day of July, 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution.
Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

APPOINTMENTS:

12.A. Consider one appointment to the Tourism Commission to represent the Hotel industry, small-size (250 rooms or less). One representative of the hotel industry (small-

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size hotel of 250 rooms or less) is needed to fill the unexpired term of Michael Marshall who resigned. The term for this position expires June 2006. David Panas of the Wingate Inn & Conference Center submitted a letter of interest.

MOTION: Councilmember Honeycutt moved to appoint David Panas to the Tourism Commission by acclamation. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Honeycutt Councilmember
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

COUNCIL COMMENTS: None

EXECUTIVE SESSION:

14.A. Consider Executive Session as authorized by §551.072 Government Code, to consider the acquisition of real property for the future police station, to wit: approximately 75 acres located at 601 Jeffrey Way, Round Rock, Texas. The Council recessed to the Executive Chamber for the Executive Session. The Executive Session was called to order by Mayor Maxwell at 8:44 p.m. and adjourned at 9:18 p.m.

The Council returned to the City Council Chamber and addressed the following item.

ACTION RELATIVE TO EXECUTIVE SESSION:

15.A. Consider authorizing the City Manager to proceed with negotiations for the acquisition of real property for the future police station to wit: approximately 75 acres located at 601 Jeffrey Way, Round Rock, Texas.

MOTION: Councilmember Rhode moved that the City Manager proceed with the negotiations for the acquisition of real property for the future police station as discussed in Executive Session. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Nielson
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Knight
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:19 p.m.

Respectfully Submitted,

Christine R. Martinez, City Secretary